

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

FREDDIE L. WILLIS,

Defendant.

}

8:04CR326

ORDER

Defendant Freddie L. Willis (Willis) appeared before the court on September 25, 2013, on the Petition for Warrant or Summons for Offender Under Supervision (Petition) (Filing No. 185). Willis was represented by Assistant Federal Public Defender Jeffrey L. Thomas and the United States was represented by Assistant U.S. Attorney Susan T. Lehr. Through his counsel, Willis waived his right to a probable cause hearing on the Petition pursuant to Fed. R. Crim. P. 32.1(a)(1). I find that the Petition alleges probable cause and that Willis should be held to answer for a final dispositional hearing before Senior Judge Lyle E. Strom.

The government moved for detention. Since Willis was in state custody at the time, the motion for detention was held in abeyance pending his coming into federal custody. Willis came into federal custody in late February 2014. Willis appeared before this court on February 25, 2014, for a detention hearing. He was represented by AFPD Thomas and the United States was represented by AUSA Lehr.

Through counsel, Willis declined to present any evidence but proffered the state charges underlying the allegations in this matter were dismissed after the complainant withdrew her complaint and Willis could reside with his mother pending the dispositional hearing. The government urged detention and stated the government was prepared to proceed with the allegation regardless of the state court dismissal and reminded the court this allegation was the second since Willis commenced his supervised release. Since it is Willis's burden under 18 U.S.C. § 3143 to establish by clear and convincing evidence that he is neither a flight risk nor a danger to the community, the court finds Willis has failed to carry his burden and that Willis should be detained pending a dispositional hearing before Senior Judge Strom.

IT IS ORDERED:

1. A final dispositional hearing will be held before Senior Judge Lyle E. Strom in Courtroom No. 5, Third Floor, Roman L. Hruska U.S. Courthouse, 111 South 18th Plaza, Omaha, Nebraska, **at 10:30 a.m. on April 10, 2014**. Defendant must be present in person.

2. Defendant Freddie L. Willis is committed to the custody of the Attorney General or his designated representative for confinement in a correctional facility;

3. Defendant shall be afforded a reasonable opportunity for private consultation with defense counsel; and

4. Upon order of a United States court or upon request of an attorney for the government, the person in charge of the corrections facility shall deliver defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED this 25th day of February, 2014.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge